

REMARKS**Status of Claims**

The Office Action mailed February 8, 2005 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-10 were pending in the application. Claim 1 has been amended, claim 11 has been added, and no claims have been canceled. Therefore, claims 1-11 are pending in the application and presented for reconsideration.

This amendment changes and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

Applicants thank the examiner for indicating that claims 5, 7, and 8 contain allowable subject matter. Applicants have added a new claim 11 which includes the features of claim 7 (and its base claim 1). This claim 11 is, therefore, in condition for allowance in accordance with the indication in the Office Action.

Prior Art Rejections

In the Office Action, claims 1-4, 6, and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 6,340,019 to Eshleman et al. (hereafter "Eshleman"). Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 6,341,595 to Scollard et al. (hereafter "Scollard"). Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Scollard in view of Eshleman. Applicants respectfully traverse these rejections for at least the following reasons.

Amended claim 1 recites, *inter alia*, that the protector is spaced apart from the fuel system component that it is protecting. This feature is supported at least by the description at paragraph 0024, lines 16-19, and the drawings (FIGS. 2 3, 6 and 8) of the present application. The features recited in pending independent claim 1 are not disclosed or suggested by the applied prior art.

Specifically, the Office Action states that the fuel rail mounting bracket 110 of Eshleman is equivalent to the claimed protector. However, the fuel rail mounting bracket 110 only has a function of mounting a fuel rail assembly 140 to an intake manifold 150, and

cannot function as a protector for protecting the fuel rail assembly 140 for the following reason. Specifically, as shown in Figs. 3-5 of Eshleman, the fuel rail mounting bracket 110 supports the fuel rail assembly 140 by direct contact with an outer circumferential surface of the fuel rail assembly 140. With this arrangement, if a load is applied to the fuel rail mounting bracket 110, the fuel rail assembly 140 will directly receive the load transmitted via the fuel rail mounting bracket 110. As a result, fuel rail assembly 140 cannot be protected from the load since it is not spaced apart from the fuel system component (being protected) as recited in claim 1. In contrast, the claimed protector is spaced apart from the fuel system component as described in the amended claim 1. Therefore, even when a load is applied to the protector, a distal end of a second wall (24) of the protector abuts on the engine body and is supported thereby so as to maintain the space between the protector and the fuel system component. Therefore, the fuel system component can be protected from suffering from the load applied to the protector. Accordingly, neither the features nor the advantages of claim 1 are disclosed or suggested by Eshleman.

These claimed features are also not disclosed or suggested by Scollard. The Office Action states that an upper portion 130 of a fuel rail 10 of Scollard is equivalent to the claimed protector. However, as described in column 2, lines 40-42, of Scollard, the second, or upper portion 130 is a part of the fuel rail 10. That is, second, or upper portion 130 does not correspond to the claimed protector but rather can be regarded as being equivalent to the claimed fuel system component. Regarding the upper portion of the fuel rail 10 as a protector would defeat the purpose of the claimed invention since upper portion 130 of the fuel rail itself needs to be protected. That is, Scollard also does not disclose or suggest either the claimed features or the advantages of the claimed invention.

Therefore, independent claim 1 is believed to be patentable over the applied prior art.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. For example, as acknowledged in the Office Action, claims 5, 7, and 8 recite features that are not disclosed by the prior art. Accordingly, these claims are also patentable for these additional reasons.

Conclusion

In view of the foregoing amendments and remarks, applicants believe that the application is now in condition for allowance. An indication of the same is respectfully requested. If there are any questions regarding the application, the examiner is invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

By Aaron C. Chatterjee

Richard L. Schwaab
Registration No. 25,479

Aaron C. Chatterjee
Registration No. 41,398

Attorneys for Applicants